

Exhibit D

JONES DAY

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January 16, 2023

Nina Perales
Mexican American Legal Defense and Educational Fund
110 Broadway, Suite 300
San Antonio, TX 78205

Re: La Union Del Pueblo Entero v. Abbott, No. 21-cv-00844 (W.D. Tex.)

Dear Nina:

I write in response to your letter dated January 12, 2023, and in furtherance of earlier correspondences we have had concerning discovery in this case, including our most recent meet-and-confer call on January 6, 2023. We share Private Plaintiffs' interest in narrowing any areas of disagreement between the parties over Private Plaintiffs' First Set of Requests for Production. To that end, below are responses to the several questions and requests in your letter.

First, as you note, Intervenor disclosed document custodians identified as most likely to have documents responsive to the Requests for Production for four out of five Intervenor on August 29, 2022, and for the fifth Intervenor (the Harris County Republican Party) on October 30, 2022. Private Plaintiffs did not raise any objection to those document custodian lists, comprising 35 total custodians. As we previously stated, we identified those custodians as the individuals most likely to have responsive documents through discussions with each Intervenor. The document custodian lists therefore are reasonable, and Intervenor is not required to search for potentially responsive documents from any other individual. *See, e.g., Firefighters' Ret. Sys. v. Citco Grp. Ltd.*, No. CV 13-373, 2018 WL 276941, at *4 (M.D. La. Jan. 3, 2018). Your letter cites no basis for your assertion that other individuals "may" possess responsive documents not also possessed by the identified custodians. In any event, to the extent that Private Plaintiffs now suggest that Intervenor should identify everyone who "may" have responsive documents, that request strays beyond the requirements of the Federal Rules, would create undue burdens on Intervenor, and would be unlikely to result in responsive documents.

Second, we disagree with your characterization of our December 1, 2022 letter as stating that our search "was limited to 'committee email accounts.'" In any event, we can confirm that, in addition to searching the previously identified custodians' committee email accounts, we also collected potentially responsive hard copy documents from them. No hard copy documents responsive to Requests for Production No. 1 or No. 3 were identified in any custodian's possession.

Third, our search for and review of potentially responsive documents already covers the "full time period relevant to SB 1, SB 7, HB 3, and HB 6" at issue in the current discovery period.

JONES DAY

Nina Perales
January 16, 2023
Page 2

Jan. 12, 2023 Letter at 2. We previously disclosed to you our search terms and date ranges in Appendix A of our October 20, 2022 letter, and Private Plaintiffs did not raise any objection to those terms. In any event, as Appendix A sets forth, Intervenor searched the identified custodians for documents potentially responsive to Requests for Production No. 1 and No. 3—including “SB 1,” “SB 7,” “HB 3,” and “HB 6”—for the date range from “January 1, 2020 – Present.” Accordingly, we have already collected and reviewed any documents potentially responsive to Requests for Production No. 1 and No. 3 from January 1, 2020 through the 2022 primary election, and produced any such documents identified as responsive to those requests. We will produce any documents related to the 2022 general election that are identified as responsive to Requests for Production No. 1 or No. 3 in accordance with the Court’s deadline for general election discovery (currently, March 17, 2023). Amended Scheduling Order, Dkt. No. 437.

Fourth, “[t]he lack of responsive documents” from the Republican National Committee, National Republican Senatorial Committee, the National Republican Congressional Committee, and the Dallas County Republican Party, *see* January 12, 2023 Letter at 2, is not surprising. These four Intervenor did not engage in any direct lobbying efforts related to SB 1 or any of the other bills covered by Requests for Production No. 1 and No. 3. Indeed, as a general matter, the national committees of the Republican Party do not engage in state- or local-level direct lobbying efforts. As we already have explained, we searched the committee email accounts and collected any potentially responsive hard copy documents from the identified document custodians for each Intervenor and have made comprehensive productions of any documents through the 2022 primary election identified as responsive.

Fifth, with respect to your Request for Production No. 5, you provided an amended version of that request on January 4, 2023, and called for a response within 20 days. In accordance with our January 6, 2023 meet-and-confer call, we have searched for and are reviewing materials from our identified custodians for any documents that may be responsive to your amended Request for Production No. 5. We anticipate producing any and all documents identified as responsive to that request by January 24, 2023.

Sixth, you have asked us to specify “which produced documents were responsive to which requests.” Responses to Request for Production No. 1 cover Bates ranges RCPI_0000001–RCPI_0000161 and RCPI_0000170–RCPI_0000330, and responses to Request for Production No. 3 cover Bates ranges RCPI_0000162–RCPI_0000169 and RCPI_0000331–RCPI_0000337. Moreover, the redacted portion of RCPI_0000162 is protected from disclosure by the First Amendment because it is a purely internal communication regarding the Harris County Republican Party’s advocacy strategy. The redacted portion also is neither relevant to the issues in the case nor responsive to any of the Requests for Production. We intend to include RCPI_0000162 among the privileged documents listed on the privilege log that Intervenor will produce in connection with their responses to Private Plaintiffs’ Amended Requests for Production.

JONES DAY

Nina Perales
January 16, 2023
Page 3

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We trust that this resolves the questions and requests in your January 12, 2023 letter. Please let me know if you like to discuss any of these matters further.

Sincerely,

A handwritten signature in black ink that reads "John M. Gore". The signature is written in a cursive, flowing style.

John M. Gore